

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East 14th Street
Des Moines, Iowa 50319-0147

Minutes

March 1, 2002

Table of Contents

	<u>Page</u>
Motions	2
Meeting Called to Order	7
Licensee Discipline	7
Consent Agenda	10
Communication	10
License Issues	11
Temporary Permit – Adoption	13
Talented and Gifted – Adoption	13
Evaluator License Discussion	13
Proposed Revisions to Chapters 12 and 13 – First Reading	14
ESL Endorsement Modification – First Reading	
14	
Legislative Update	15
Executive Director’s Report	15
Adjournment	
16	

STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East 14th Street
Des Moines, Iowa 50319-0147

Motions

March 1, 2002

James Ehman moved, with a second by William Haigh, that the Board go into closed session for the purposes of discussing whether to initiate licensee disciplinary proceedings and discussing the decision to be rendered in a contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f), and, further, to discuss personnel issues pursuant to Iowa Code sections 21.5(1)(i). Roll call vote: Haigh – yes; Ehmen – yes; Chen – yes; Lewis – yes; Aboud – yes; Jeffrey – yes; Stalker – yes; Westerhaus – yes; Seeland – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

James Ehmen moved, with a second by Anita Westerhaus, that in **case number 00-32**, the Board adopt the proposed sanction with the following modifications:

- 1) Revise second full sentence at the top of page 20 as follows: “~~While~~ Because his intent in doing so is unclear, ~~the act of touching a student’s buttock is unprofessional and violates~~ a violation of rule 282 IAC 12.2(1) has not been established.”

- 2) Strike the last paragraph on page 23 of the ALJ's order and replace it with the following –

IT IS THEREFORE ORDERED that the Respondent's licenses to teach and coach shall be SUSPENDED with no possibility for reinstatement for two-years from the date of this Order. In order to be eligible for reinstatement of his licenses at the conclusion of the period of the suspension, the Respondent must:

- a) undergo a comprehensive evaluation regarding professional boundary issues at his own expense, and shall provide the

1
2

Board with a written report containing recommendations
for treatment or education;

- 1 b) comply with all recommendations made as a result of the
2 evaluation, and sign a release which will enable the Board
3 to communicate with all individuals involved in
4 Respondent's evaluation and treatment; and
5
6 c) attend and successfully complete a pre-approved course
7 addressing the knowledge and understanding of
8 professional ethics for teachers and/or coaches which
9 meets the pre-licensure requirements adopted by this
10 Board.
11

12 Proceedings for reinstatement of the Respondent's license may be
13 initiated by Respondent in the form of an application for reinstatement
14 stating facts which, if established, are be sufficient to prove: (1) that the
15 Respondent has complied with the terms of this Order, and (2) that it
16 would be in the public interest for the Respondent's licenses to be
17 reinstated. The burden of proof shall be on the Respondent and the
18 Board shall have complete discretion in ruling on the application.
19

20 Roll call vote: Haigh – yes; Ehmen – yes; Chen – yes; Lewis – yes; Aboud – yes;
21 Jeffrey – yes; Stalker – yes; Westerhaus – yes; Seeland – yes; and Hathaway –
22 yes. **MOTION CARRIED UNANIMOUSLY.**
23

24 Anita Westerhaus moved, with a second by William Haigh, that in case
25 number 00-14, the Board initiate review of the proposed decision to examine
26 whether the proposed sanction is appropriate in light of the findings. Roll call
27 vote: Seeland – yes; Westerhaus – yes; Stalker – yes; Jeffrey – yes; Aboud – yes;
28 Lewis – yes; Chen – yes; Ehmen – yes; Haigh – yes; and Hathaway – yes.
29 **MOTION CARRIED UNANIMOUSLY.**
30

31 James Ehmen moved, with a second by Anita Westerhaus, that in case
32 number 01-17, the Board not initiate review of the proposed decision and
33 allow the proposed decision to become the final decision of the Board, unless
34 an appeal is taken by one of the parties within the time allowed by rule. Roll
35 call vote: Haigh – yes; Ehmen – yes; Chen – yes; Lewis – yes; Aboud – yes;
36 Jeffrey – yes; Stalker – yes; Westerhaus – yes; Seeland – yes; and Hathaway –
37 yes. **MOTION CARRIED UNANIMOUSLY.**
38

1 John Aboud moved, with a second by Jean Seeland, that in **case numbers**
2 **01-18** and **01-19**, the Board return the complaint and investigative report to
3 the investigator to gather further information and return the case to the Board
4 for further consideration. Roll call vote: Seeland – yes; Westerhaus – yes;
5 Stalker – no; Jeffrey – no; Aboud – yes; Lewis – yes; Chen – yes; Ehmen – yes;
6 Haigh – yes; and Hathaway – yes. **MOTION CARRIED.**

7
8 William Haigh moved, with a second by James Ehmen, that in **case number**
9 **01-21**, the Board find probable cause to establish a violation of one or more of
10 the criteria for professional practices and competent performance established
11 by this Board and order this case set for hearing. Roll call vote: Haigh – yes;
12 Ehmen – yes; Chen – yes; Lewis – yes; Aboud – yes; Jeffrey – yes; Stalker – yes;
13 Westerhaus – yes; Seeland – yes; and Hathaway – yes. **MOTION CARRIED**
14 **UNANIMOUSLY.**

15
16 Anita Westerhaus moved, with a second by William Haigh, that in **case**
17 **number 01-27**, the Board extend the 180-day deadline for issuance of the final
18 decision, based upon delay in investigation due to other pending investigations.
19 Roll call vote: Seeland – yes; Westerhaus – yes; Stalker – yes; Jeffrey – yes;
20 Aboud – yes; Lewis – yes; Chen – yes; Ehmen – yes; Haigh – yes; and Hathaway
21 – yes. **MOTION CARRIED UNANIMOUSLY.**

22
23 William Haigh moved, with a second by James Ehmen, that in **case number**
24 **01-28**, the Board extend the 180-day deadline for issuance of the final
25 decision, based upon delay in investigation due to other pending investigations.
26 Roll call vote: Haigh – yes; Ehmen – yes; Chen – yes; Lewis – yes; Aboud – yes;
27 Jeffrey – yes; Stalker – yes; Westerhaus – yes; Seeland – yes; and Hathaway –
28 yes. **MOTION CARRIED UNANIMOUSLY.**

29
30 James Ehmen moved, with a second by Anita Westerhaus, that in **case**
31 **number 01-29**, the Board extend the 180-day deadline for issuance of the final
32 decision, based upon delay in investigation due to other pending investigations.
33 Roll call vote: Seeland – yes; Westerhaus – yes; Stalker – yes; Jeffrey – yes;

1 Aboud – yes; Lewis – yes; Chen – yes; Ehmen – yes; Haigh – yes; and Hathaway
2 – yes. **MOTION CARRIED UNANIMOUSLY.**

3 Anita Westerhaus moved, with a second by William Haigh, that in **case**
4 **number 98-12**, the Board adopt the amended substituted order. Roll call vote:
5 Haigh – yes; Ehmen – yes; Chen – yes; Lewis – yes; Aboud – yes; Jeffrey – yes;
6 Stalker – yes; Westerhaus – yes; Seeland – yes; and Hathaway – yes. **MOTION**
7 **CARRIED UNANIMOUSLY.**

8

9 William Haigh moved, with a second by James Ehmen, that in **case number**
10 **01-36**, the Board deny the Respondent's Motion to Dismiss. Roll call vote:
11 Seeland – recuse; Westerhaus – yes; Stalker – yes; Jeffrey – yes; Aboud – yes;
12 Lewis – yes; Chen – yes; Ehmen – yes; Haigh – yes; and Hathaway – yes.
13 **MOTION CARRIED.**

14

15 Veronica Stalker moved, with a second by Anita Westerhaus, to approve the
16 December 7, 2001, and January 18, 2002, minutes, as distributed. **MOTION**
17 **CARRIED UNANIMOUSLY.**

18

19 Anita Westerhaus moved, with a second by William Haigh, that in **case**
20 **numbers 00-29 and 00-31**, the Board grant the school district's request to
21 intervene. Roll call vote: Haigh – yes; Ehmen – recuse; Chen – yes; Lewis –
22 yes; Aboud – yes; Jeffrey – yes; Stalker – yes; Westerhaus – yes; Seeland –
23 recuse; and Hathaway – yes. **MOTION CARRIED.**

24

25 Anita Westerhaus moved, with a second by William Haigh, that in **case**
26 **numbers 00-29 and 00-31**, the Board deny the application for stay pending
27 the judicial review. Roll call vote: Seeland – recuse; Westerhaus – yes; Stalker
28 – yes; Jeffrey – yes; Aboud – yes; Lewis – yes; Chen – yes; Ehmen – recuse;
29 Haigh – yes; and Hathaway – yes. **MOTION CARRIED.**

30

31 William Haigh moved, with a second by James Ehmen, that in **case number**
32 **APP 01-01**, the Board not initiate review of the proposed decision and allow the
33 proposed decision to become the final decision of the Board, unless an appeal

- 1 is taken by one of the parties within the time allowed by rule. Roll call vote:
- 2 Seeland – yes; Westerhaus – yes; Stalker – yes; Jeffrey – yes; Aboud – yes;

1 Lewis – yes; Chen – yes; Ehmen – yes; Haigh – yes; and Hathaway – yes.

2 **MOTION CARRIED UNANIMOUSLY.**

3

4 John Aboud moved, with a second by Jean Seeland, that the Board deny Paul
5 Tobin’s Petition for Waiver due to statute. Roll call vote: Haigh – yes; Ehmen –
6 yes; Chen – yes; Lewis – yes; Aboud – yes; Jeffrey – yes; Stalker – yes;
7 Westerhaus – yes; Seeland – yes; and Hathaway – yes. **MOTION CARRIED**
8 **UNANIMOUSLY.**

9

10 James Ehmen moved, with a second by Helen Lewis, to adopt and file the
11 Chapter 14, temporary permit rule, as distributed. Roll call vote: Haigh – yes;
12 Ehmen – yes; Chen – yes; Lewis – yes; Aboud – yes; Jeffrey – yes; Stalker – yes;
13 Westerhaus – yes; Seeland – yes; and Hathaway – yes. **MOTION CARRIED**
14 **UNANIMOUSLY.**

15

16 Judy Jeffrey moved, with a second by Veronica Stalker, to adopt and file the
17 Chapter 14 amendment that adds the words “undergraduate or” to the talented
18 and gifted program requirements subrule. Roll call vote: Seeland – yes;
19 Westerhaus – yes; Stalker – yes; Jeffrey – yes; Aboud – yes; Lewis – yes; Chen –
20 yes; Ehmen – yes; Haigh – yes; and Hathaway – yes. **MOTION CARRIED**
21 **UNANIMOUSLY.**

22

23 John Aboud moved, with a second by Anita Westerhaus, to file under Notice of
24 Intended Action, the proposed changes to the ESL endorsement. Roll call vote:
25 Seeland – yes; Westerhaus – yes; Stalker – yes; Jeffrey – yes; Aboud – yes;
26 Lewis – yes; Chen – yes; Ehmen – yes; Haigh – yes; and Hathaway – yes.
27 **MOTION CARRIED UNANIMOUSLY.**

1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East Grand**
4 **Des Moines, Iowa 50319-0147**

5
6 **Minutes**

7 March 1, 2002

8
9 The Board of Educational Examiners held its monthly meeting on

10 March 1, 2002

11 . The meeting was called to order by Board Vice-Chair

12 Peter Hathaway at 8:02 a.m. Members attending were John Aboud, Ying
13 Ying Chen, James Ehmen, William Haigh, Peter Hathaway, Judy Jeffrey, Helen
14 Lewis, Jean Seeland, Veronica Stalker and Anita Westerhaus. Also in
15 attendance were Dr. Anne Kruse, Executive Director of the Board; Chris Scase,
16 Assistant Attorney General and legal counsel to the Board; Christina Dykstra,
17 Board Secretary pro tem; and other visitors. Board Member Thomas Paulsen
18 was unable to attend the meeting.

19 James Ehman moved, with a second by William Haigh, that the Board go into
20 closed session for the purposes of discussing whether to initiate licensee
21 disciplinary proceedings and discussing the decision to be rendered in a
22 contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f), and,
23 further, to discuss personnel issues pursuant to Iowa Code sections 21.5(1)(i).
24 Roll call vote: Haigh – yes; Ehmen – yes; Chen – yes; Lewis – yes; Aboud – yes;
25 Jeffrey – yes; Stalker – yes; Westerhaus – yes; Seeland – yes; and Hathaway –
26 yes. **MOTION CARRIED UNANIMOUSLY.**

27
28 The Board reconvened into open session at 10:00 a.m.

29
30 James Ehmen moved, with a second by Anita Westerhaus, that in **case**
31 **number**
32 **00-32**, the Board adopt the proposed sanction with the following modifications:

1 1) Revise second full sentence at the top of page 20 as follows: “~~While~~
2 ~~Because~~ his intent in doing so is unclear, ~~the act of touching a student’s~~
3 ~~buttock is unprofessional and violates~~ a violation of rule 282 IAC 12.2(1)
4 has not been established.”
5

6 2) Strike the last paragraph on page 23 of the ALJ’s order and replace
7 it with the following –
8

9 IT IS THEREFORE ORDERED that the Respondent’s licenses to teach
10 and coach shall be SUSPENDED with no possibility for reinstatement for
11 two years from the date of this Order. In order to be eligible for
12 reinstatement of his licenses at the conclusion of the period of the
13 suspension, the Respondent must:
14

15 a) undergo a comprehensive evaluation regarding professional
16 boundary issues at his own expense, and shall provide the
17 Board with a written report containing recommendations
18 for treatment or education;
19

20 b) comply with all recommendations made as a result of the
21 evaluation, and sign a release which will enable the Board
22 to communicate with all individuals involved in
23 Respondent’s evaluation and treatment; and
24

25 c) attend and successfully complete a pre-approved course
26 addressing the knowledge and understanding of
27 professional ethics for teachers and/or coaches which
28 meets the pre-licensure requirements adopted by this
29 Board.
30

31 Proceedings for reinstatement of the Respondent’s license may be
32 initiated by Respondent in the form of an application for reinstatement
33 stating facts which, if established, are to be sufficient to prove: (1) that
34 the Respondent has complied with the terms of this Order, and (2) that it
35 would be in the public interest for the Respondent’s licenses to be
36 reinstated. The burden of proof shall be on the Respondent and the
37 Board shall have complete discretion in ruling on the application.
38

39 Roll call vote: Haigh – yes; Ehmen – yes; Chen – yes; Lewis – yes; Aboud – yes;
40 Jeffrey – yes; Stalker – yes; Westerhaus – yes; Seeland – yes; and Hathaway –
41 yes. **MOTION CARRIED UNANIMOUSLY.**
42

43 Anita Westerhaus moved, with a second by William Haigh, that in case
44 number 00-14, the Board initiate review of the proposed decision to examine
45 whether the proposed sanction is appropriate in light of the findings. Roll call

1 vote: Seeland – yes; Westerhaus – yes; Stalker – yes; Jeffrey – yes; Aboud – yes;
2 Lewis – yes; Chen – yes; Ehmen – yes; Haigh – yes; and Hathaway – yes.

3 **MOTION CARRIED UNANIMOUSLY.**

4

5 James Ehmen moved, with a second by Anita Westerhaus, that in case
6 number 01-17, the Board not initiate review of the proposed decision and
7 allow the proposed decision to become the final decision of the Board, unless
8 an appeal is taken by one of the parties within the time allowed by rule. Roll
9 call vote: Haigh – yes; Ehmen – yes; Chen – yes; Lewis – yes; Aboud – yes;

10 Jeffrey – yes; Stalker – yes; Westerhaus – yes; Seeland – yes; and Hathaway –
11 yes. **MOTION CARRIED UNANIMOUSLY.**

12

13 John Aboud moved, with a second by Jean Seeland, that in case numbers
14 01-18 and 01-19, the Board return the complaint and investigative report to
15 the investigator to gather further information and return the case to the Board
16 for further consideration. Roll call vote: Seeland – yes; Westerhaus – yes;
17 Stalker – no; Jeffrey – no; Aboud – yes; Lewis – yes; Chen – yes; Ehmen – yes;
18 Haigh – yes; and Hathaway – yes. **MOTION CARRIED.**

19

20 William Haigh moved, with a second by James Ehmen, that in case number
21 01-21, the Board find probable cause to establish a violation of one or more of
22 the criteria for professional practices and competent performance established
23 by this Board and order this case set for hearing. Roll call vote: Haigh – yes;
24 Ehmen – yes; Chen – yes; Lewis – yes; Aboud – yes; Jeffrey – yes; Stalker – yes;
25 Westerhaus – yes; Seeland – yes; and Hathaway – yes. **MOTION CARRIED**
26 **UNANIMOUSLY.**

27

28 Anita Westerhaus moved, with a second by William Haigh, that in case
29 number 01-27, the Board extend the 180-day deadline for issuance of the final
30 decision, based upon delay in investigation due to other pending investigations.
31 Roll call vote: Seeland – yes; Westerhaus – yes; Stalker – yes; Jeffrey – yes;
32 Aboud – yes; Lewis – yes; Chen – yes; Ehmen – yes; Haigh – yes; and Hathaway
33 – yes. **MOTION CARRIED UNANIMOUSLY.**

1 William Haigh moved, with a second by James Ehmen, that in case number
2 01-28, the Board extend the 180-day deadline for issuance of the final
3 decision, based upon delay in investigation due to other pending investigations.
4 Roll call vote: Haigh – yes; Ehmen – yes; Chen – yes; Lewis – yes; Aboud – yes;
5 Jeffrey – yes; Stalker – yes; Westerhaus – yes; Seeland – yes; and Hathaway –
6 yes. **MOTION CARRIED UNANIMOUSLY.**

7

8 James Ehmen moved, with a second by Anita Westerhaus, that in case
9 number 01-29, the Board extend the 180-day deadline for issuance of the final
10 decision, based upon delay in investigation due to other pending investigations.
11 Roll call vote: Seeland – yes; Westerhaus – yes; Stalker – yes; Jeffrey – yes;
12 Aboud – yes; Lewis – yes; Chen – yes; Ehmen – yes; Haigh – yes; and Hathaway
13 – yes. **MOTION CARRIED UNANIMOUSLY.**

14

15 Anita Westerhaus moved, with a second by William Haigh, that in case
16 number 98-12, the Board adopt the amended substituted order. Roll call vote:
17 Haigh – yes; Ehmen – yes; Chen – yes; Lewis – yes; Aboud – yes; Jeffrey – yes;
18 Stalker – yes; Westerhaus – yes; Seeland – yes; and Hathaway – yes. **MOTION**
19 **CARRIED UNANIMOUSLY.**

20

21 William Haigh moved, with a second by James Ehmen, that in case number
22 01-36, the Board deny the Respondent's Motion to Dismiss. Roll call vote:
23 Seeland – recuse; Westerhaus – yes; Stalker – yes; Jeffrey – yes; Aboud – yes;
24 Lewis – yes; Chen – yes; Ehmen – yes; Haigh – yes; and Hathaway – yes.
25 **MOTION CARRIED.**

26

27 Veronica Stalker moved, with a second by Anita Westerhaus, to approve the
28 December 7, 2001, and January 18, 2002, minutes, as distributed. **MOTION**
29 **CARRIED UNANIMOUSLY.**

30

31 Board Vice-Chair Peter Hathaway asked if there were any Board Reports.
32 There were none.

1 Kathy Collins from School Administrators of Iowa spoke at the time of Public
2 Comment. She addressed the issue underlying the upcoming agenda item of
3 Paul Tobin's Petition for Waiver for an administrator license. She said that
4 Iowa statute precludes the Board from waiving the requirement for the
5 designated coursework that Mr. Tobin appears to be lacking. On the other
6 hand, the apparent deficit may be due more to the fact that Mr. Tobin's
7 coursework was 20-30 years ago, and faculty to attest to course content are no
8 longer on staff. She said that Mr. Tobin is caught between a system in place
9 and a system to come. She hoped the Board would consider finding a way to
10 recognize accomplishments in lieu of coursework for qualified practitioners such
11 as Mr. Tobin.

12

13 In **case numbers 00-29 and 00-31**, Michael Whittlesey has chosen to initiate a
14 Judicial Review proceeding in Iowa District Court to challenge the merits of the
15 decision rendered in the BoEE case. He has also submitted to the Board a
16 Request for Stay of the revocation of his license, pending the resolution of the
17 judicial review. Union CSD has filed a Motion for Leave to Intervene in the
18 proceeding, as well as a Resistance to Application for Stay, alleging that the
19 school district has an interest in this matter as the employing district. Mr.
20 Whittlesey has filed a Response Resistance to the school district's resistance on
21 the stay issue, as well as a Response and Resistance to the Motion to Intervene.
22 The Complainants in the BoEE case have filed a Joinder in the school district's
23 position, joining the district's resistance to the granting of the stay. Anita
24 Westerhaus moved, with a second by William Haigh, that in **case numbers 00-**
25 **29 and 00-31**, the Board grant the school district's request to intervene. Roll
26 call vote: Haigh – yes; Ehmen – recuse; Chen – yes; Lewis – yes; Aboud – yes;
27 Jeffrey – yes; Stalker – yes; Westerhaus – yes; Seeland – recuse; and Hathaway
28 – yes. **MOTION CARRIED.**

29

30 Chris Scase, Assistant Attorney General and legal counsel to the Board, then
31 reviewed regulations to guide the Board in its decision on the stay issue. Anita
32 Westerhaus moved, with a second by William Haigh, that in **case numbers 00-**
33 **29 and 00-31**, the Board deny the application for stay pending the judicial

1 review. Roll call vote: Seeland – recuse; Westerhaus – yes; Stalker – yes; Jeffrey
2 – yes; Aboud – yes; Lewis – yes; Chen – yes; Ehmen – recuse; Haigh – yes; and
3 Hathaway – yes. **MOTION CARRIED.**

4

5 William Haigh moved, with a second by James Ehmen, that in case number
6 APP 01-01, the Board not initiate review of the proposed decision and allow the
7 proposed decision to become the final decision of the Board unless an appeal is
8 taken by one of the parties within the time allowed by rule. Roll call vote:

9 Seeland – yes; Westerhaus – yes; Stalker – yes; Jeffrey – yes; Aboud – yes;
10 Lewis – yes; Chen – yes; Ehmen – yes; Haigh – yes; and Hathaway – yes.

11 **MOTION CARRIED UNANIMOUSLY.** Prior to the vote, the Executive Director
12 clarified her use of a calendar year, and not a school year, when calculating the
13 penalty for non-disclosure cases of licensure denial, and board members
14 agreed with her rationale.

15

16 The Board next considered Paul Tobin’s Petition for Waiver of the Exceptional
17 Learner requirement to become a superintendent. The Executive Director
18 began by reminding the Board that any applicant or pre-applicant has the right
19 to file with the Board a Petition for Waiver prior to, during or after the
20 application, to see what would happen. She also stated that Mr. Tobin’s
21 petition was for waiver from administrative rule, not from statute. By rule the
22 Board was required to act upon Mr. Tobin’s petition, but by statute the Board
23 was not permitted to approve it. Experience is not an option. The regulation
24 makes reference to coursework, not competency. To remedy further
25 potentialities, mention was made of a pre-filed bill next year, recommending a
26 modification in the statute. Also cited was the possibility of counseling people
27 in certain ways so that they can do a better job on their applications. A test-
28 out was a third option suggested. In the case at hand, if Mr. Tobin submits
29 some type of institutional verification that satisfies the coursework
30 requirement, he would qualify. John Aboud moved, with a second by Jean
31 Seeland, that the Board deny Paul Tobin’s Petition for Waiver due to statute.
32 Roll call vote: Haigh – yes; Ehmen – yes; Chen – yes; Lewis – yes; Aboud – yes;

1 Jeffrey – yes; Stalker – yes; Westerhaus – yes; Seeland – yes; and Hathaway –
2 yes. **MOTION CARRIED UNANIMOUSLY.**

3
4 Thomas M. Klaver submitted a Petition for Wavier of the renewal requirements
5 for his standard license, requesting that the Board accept credits from the U.S.
6 Department of the Navy. The Executive Director recommended that, prior to a
7 final decision by the Board, the applicant verify that the courses were taken for
8 college credit. If proven, that will satisfy the Board's renewal requirements.

9
10 The Executive Director stated that no one attended the hearing and no written
11 comments were received in response to the Notice authorizing the issuance of
12 temporary permits. James Ehmen moved, with a second by Helen Lewis, to
13 adopt and file the Chapter 14, temporary permit rule, as distributed. Roll call
14 vote: Haigh – yes; Ehmen – yes; Chen – yes; Lewis – yes; Aboud – yes; Jeffrey –
15 yes; Stalker – yes; Westerhaus – yes; Seeland – yes; and Hathaway – yes.

16 **MOTION CARRIED UNANIMOUSLY.**

17
18 The Executive Director related that two individuals spoke at the public hearing
19 and one written comment was received, all expressing support for the talented
20 and gifted teacher endorsement. Judy Jeffrey moved, with a second by
21 Veronica Stalker, to adopt and file the Chapter 14 amendment that adds the
22 words “undergraduate or” to the talented and gifted program requirements
23 subrule. Roll call vote: Seeland – yes; Westerhaus – yes; Stalker – yes; Jeffrey
24 – yes; Aboud – yes; Lewis – yes; Chen – yes; Ehmen – yes; Haigh – yes; and
25 Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

26
27 Licensure Consultant Susan Fischer presented scenarios of what the licensure
28 bureau could do in the best interest of administrators caught in a variety of
29 situations under new evaluator licensure legislation. The Board was eager to
30 have licenses for administrator and evaluator expire at the same time. To
31 assist in adjusting to the concurrent time frame, the Executive Director may
32 use her authority, permitted by law, to issue a temporary, limited-purpose
33 license. Another option is to add the evaluator endorsement for \$10, when the

1 training is completed, to the current administrator license. The latter would
2 require a rule change; currently, adding an endorsement costs \$25. A buy-
3 back was a third idea suggested. Under this plan, a five-year license would be
4 issued from the date of completion of the coursework, and individuals would
5 pay \$10 per extension of the year beyond the expiration of their current
6 administrator licenses. Staff will investigate matters of impact on technology
7 modification and of communication with the public on fee calculation, for
8 which staff will devise a chart. Board Vice-Chair Peter Hathaway requested a
9 proposal for the April board meeting.

10
11 The Board recessed for lunch at 11:45 a.m. and reconvened at 12:30
12 p.m.

13
14 The Board reviewed an initial draft of proposed changes to Chapters 12 and 13.
15 This was a first reading of material that is a compilation of the best pieces from
16 a review of standards, board rules and practice codes from states across the
17 nation. The Board has wanted reorganization in the format and content of
18 existing criteria in order to reflect specific acts that are acceptable or
19 unacceptable. It has desired to replace the general, vague language with
20 something straightforward. In response to a question about pending legislation
21 affecting community colleges, the point was made that the Board only regulates
22 licensed practitioners; if the license requirement for community college
23 practitioners is eliminated, the Board's disciplinary authority over them would
24 be removed. Because Iowa standards for teaching are now required under the
25 teacher quality bill, a suggestion was made that, where the language crosses a
26 number of areas of the Iowa standards and the chapters under consideration,
27 the language should be consistent. The legal counsel to the Board said it is
28 also appropriate for the Board to go line by line through items in the chapters
29 to determine if each standard is provable and concrete and is something that
30 can be enforced. Revisions to the chapters will be brought back to the Board at
31 another meeting.

1 Licensure Consultant Geri McMahon introduced Department of Education
2 Consultant Dr. Carmen Sosa, who made a presentation on proposed changes
3 to the ESL endorsement. The current rules have been in place since 1988.
4 Dr. Sosa gave facts and figures on the growing Iowa population figures of ESL
5 students and the ever-widening trend in ESL teacher-to-student ratio. The
6 proposition recommends reducing the required hours for licensure from 24 to
7 18 focused semester hours in the areas of Knowledge of Pedagogy, Knowledge
8 of Linguistics and Knowledge of Culture and Linguistic Diversity, with an
9 assessment component. September 1, 2002, is the projected effective date.
10 John Aboud moved, with a second by Anita Westerhaus, to file under Notice of
11 Intended Action, the proposed changes to the ESL endorsement. Roll call vote:
12 Seeland – yes; Westerhaus – yes; Stalker – yes; Jeffrey – yes; Aboud – yes;
13 Lewis – yes; Chen – yes; Ehmen – yes; Haigh – yes; and Hathaway – yes.
14 **MOTION CARRIED UNANIMOUSLY.**

15
16 As a legislative update, the Executive Director distributed a chart of bills that
17 pertain in some way to the Board, with a description of the bills and their
18 status, and reviewed particulars of those on which action has been taken.
19 (Helen Lewis, commenting on House passage of the bill to eliminate community
20 college licensure, made note that there is still division in terms of discussion on
21 the issue.) Funnel week has occurred; so, any bills that did not make it out of
22 committee are done, but some parts of some bills might still be attached to
23 current bills, and appropriation bills are still active. Board Member Judy
24 Jeffrey said she thinks the bill allowing practitioners credit for career
25 development completed prior to the implementation of the career development
26 standards of the teacher quality program is meant to encourage practitioners to
27 continue professional training in the transition period.

28
29 The Executive Director reported that she has had to deny 10 applications for
30 licensure for total non-disclosure, an unfortunate trend. She distributed a
31 chart of the number of licenses issued by type from July 1, 1999, to June 30,
32 2001, in descending order, with an overall decrease of 550.

1 The dealer for the security paper, the type desired for printing the posted
2 teacher licenses, has been contacted. Special permission must be obtained to
3 order from a separate company that has the preferred paper.

4 Licensure Consultant Dr. Sandra Renegar has had a committee working
5 together to determine shortage areas defined for education, a roster assembled
6 by the Department of Education. The areas have been determined, but the
7 Executive Director is uncertain if the list has been accepted. Music, as
8 recommended, and vocational agriculture have been added; reading has been
9 eliminated because there is so much, that statistics do not show a need.
10

11 Board Member William Haigh mentioned that Anita Westerhaus, James Ehmen
12 and he have participated lately in hearings on the aforementioned issue of the
13 denial of applications due to fraudulent information. He asked staff to take a
14 second look or a new look at the application, and especially the four questions
15 in the section on fraud, to see if there is any way possible to clarify exactly
16 what information is being requested by the four questions, in order to see if it
17 is possible to eliminate any misinterpretation. A suggestion made was an
18 improved accompanying instruction sheet.
19

20 There being no further business, Board Vice-Chair Peter Hathaway adjourned
21 the meeting at 2:05 p.m.